

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**UNITED STATES OF AMERICA**

**Plaintiff,**

**v.**

**NICHOLAS AMADOR MARTINEZ**

**Defendant.**

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**No. 3:23-CR-00164-DB**

**ORDER FOR SECOND MENTAL HEALTH EXAMINATION**

On this day came on to be considered Attorney Richard D. Esper's "Motion for Mental Examination of Defendant", filed in the above-captioned cause on August 31, 2023. Therein, Attorney Esper urges the Court for a second mental examination of Defendant, pursuant to 18 U.S.C. §4241 to determine whether Defendant NICHOLAS AMADOR MARTINEZ, is presently mentally incompetent, so as to be unable to understand the proceedings against him or to assist properly in his own defense. After due consideration, the Court is of the opinion that the instant Motion should be granted.

Accordingly, **IT IS HEREBY ORDERED** that Attorney Richard D. Esper's "Motion for Second Mental Examination of Defendant" is **GRANTED**.

Accordingly, **IT IS HEREBY ORDERED** that Defendant NICHOLAS AMADOR MARTINEZ be examined under the provisions of 18 U.S.C §4241 by:

Dr. James Shutte  
5959 Gateway Blvd. West  
El Paso, TX 79925  
(915) 778-8442

**OR**

Dr. Arthur L. Ramirez  
1515 N. Mesa St.  
El Paso, TX 79902  
(915) 544-7326



A true copy of the original, I certify.  
Clerk, U.S. District Court

By Myrna Gallegos

September 01, 2023 Deputy

to establish the following specific findings to be set forth in writing:

- (1) Whether or not the Defendant is presently suffering from a psychosis or mental disease or defect;
- (2) Whether or not the Defendant presently has a rational, as well as factual, understanding of the proceedings against him; and
- (3) Whether or not the Defendant presently has sufficient ability to consult with his attorney and to assist in his own defense with a reasonable degree of rational understanding.

**IT IS FURTHER ORDERED** that said written report be filed with the Clerk of this Court who will stamp it "Received". After making the necessary docket entries, the Clerk will deliver the original report to this Court and distribute copies of same to the United States Attorney, United States Probation Office and defense counsel.

**IT IS FURTHER ORDERED** that the Clerk of the Court provide a certified copy of the instant Order to the United States Marshals Service without delay.

**IT IS FURTHER ORDERED** that the United States Marshals Service immediately make appropriate arrangements for Defendant to undergo the examination as soon as possible.

**IT IS FINALLY ORDERED** that all costs of the examination be paid by the Office of the United States Attorney for the Western District of Texas.

**SIGNED AND ENTERED** on this 1<sup>st</sup> day of September, 2023.

  
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DAVID BRIONES,  
Senior United States District Judge